

**REMARKS/ARGUMENTS**

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the remarks herewith.

**I. STATUS OF THE CLAIMS AND FORMAL MATTERS**

Claims 22-48 are pending. Claims 22, 30, 41, 43, and 48 are independent. Support is provided throughout the Specification as originally filed, and specifically at page 18, lines 4-14.

Applicants respectfully traverse Section 2, page 2 of the Office Action. Applicants submit that the previously added limitations are supported by the foreign priority documents, specifically JP 06-230281, in paragraphs 0010, 0014, 0018-0019, 0023 and 0025. Therefore, Applicants submit that the effective priority date of the present application is August 31, 1994.

**II. REJECTIONS UNDER 35 U.S.C. §103(a)**

Claim 48 was rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Patent No. 5,442,390 to Hooper et al. (hereinafter, merely "Hooper") in view of U.S. Patent No. 6,553,178 to Abecassis (hereinafter, merely "Abecassis").

Claims 22-47 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Hooper in view of U.S. Patent No. 5,530,754 to Garfinkle (hereinafter, merely "Garfinkle") and Abecassis.

Claim 48 was rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Patent No. 6,434,748 to Shen et al. (hereinafter, merely "Shen") in view of U.S. Patent No. 5,721,829 to Dunn et al. (hereinafter, merely "Dunn").

Claims 22-47 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Shen in view of Garfinkle and Dunn.

### **III. RESPONSE TO REJECTIONS**

Applicants respectfully submit that claims 22-48 have not been properly rejected. Claims 22-48 have been rejected in view of Abecassis, Shen and Dunn, which are not prior art. As stated above the effective filing date for the present invention is August 31, 1994.

Shen's filing date is February 25, 1997, which is a Continuation of 08/363,375 and has a filing date of December 23, 1994 (now abandoned).

Dunn's filing date is May 5, 1995.

Abecassis is a continuation-in-part of Application No. 08/002,998 (now U.S. Patent No. 5,434,678), filed on January 11, 1993, and Application No. 07/832,335 (now U.S. Patent No. 6,208,805), filed on February 7, 1992.

Applicants submit that the subject matter relied upon in Abecassis was not present in the parent documents, therefore the effective filing date is September 8, 1994.

Applicants submit Abecassis, Shen and Dunn each have filing dates after August 31, 1994, and therefore cannot be relied upon as prior art of the present invention.

Therefore, Applicants submit that each of the above rejections is not valid, therefore, claims 22-48 are allowable.

Furthermore, in view of the remaining eligible prior art:

Claim 48 recites, *inter alia*:

**“... wherein when display of the program information is resumed after the resume command, a pre-selected segment of the program information immediately preceding a point at which the pause command was requested is first displayed.”**  
(Emphasis added)

Applicants respectfully submit that nothing has been found in Hooper that would teach or suggest the above-identified feature of claim 48. Specifically, Hooper does not teach or suggest wherein when display of the program information is resumed after the resume command, a pre-selected segment of the program information immediately preceding a point at which the pause command was requested is first displayed, as recited in claim 48.

Therefore, Applicants respectfully submit that claim 48 is patentable.

Claim 22 recites, *inter alia*:

**“... wherein when display of the program information is resumed after the resume command, a pre-selected segment of the program information immediately preceding a point at which the pause command was requested is first displayed.”**  
(Emphasis added)

As understood by Applicants, Garfinkle relates to a video-on-demand system in which catalog data is periodically transferred to the user sites, where it is stored. This catalog data includes listings of the video products available at the central station, so-called trailers or previews for certain of the video products, and lead-ins for the initial portions of certain products to provide a seamless lead in to program material ordered from the central station.

Applicants respectfully submit that nothing has been found in Hooper or Garfinkle that would teach or suggest the above-identified feature of claim 22. Specifically, neither Hooper nor Garfinkle, alone or in combination, teach or suggest wherein when display of the program information is resumed after the resume command, a pre-selected segment of the

program information immediately preceding a point at which the pause command was requested is first displayed, as recited in claim 22.

Therefore, Applicants respectfully submit that claim 22 is patentable.

Claims 30, 41, and 43 are similar, or somewhat similar, in scope and are therefore patentable for similar, or somewhat similar, reasons.

Therefore, Applicants submit that claims 22, 30, 41 and 43 are patentable.

#### **IV. OBVIOUSNESS-TYPE DOUBLE PATENTING REJECTIONS**

Claim 48 was rejected on the ground of non-statutory obviousness-type double patenting as allegedly unpatentable over claims 1-4 of U.S. Patent No. 5,990,881 to Inoue et al. (hereinafter, merely "Inoue") in view of Abecassis.

Claims 22-32, 36-37, and 40-48 were rejected on the ground of non-statutory obviousness-type double patenting as allegedly unpatentable over claims 1-6 and 8 of U.S. Patent No. 5,990,881 to Inoue in view of Garfinkle and Abecassis.

Applicants submit that since Abecassis is not prior art, the obviousness-type double patenting reject is improper and should be withdrawn.

#### **V. DEPENDENT CLAIMS**

The other claims in this application are each dependent from one of the independent claims discussed above and are therefore patentable for at least the same reasons.

**CONCLUSION**

In the event the Examiner disagrees with any of statements appearing above with respect to the disclosure in the cited references, it is respectfully requested that the Examiner specifically indicate those portions of the references providing the basis for a contrary view.

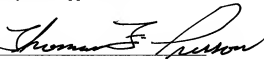
Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

Applicants respectfully submit that all of the claims are in condition for allowance and request early passage to issue of the present application.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP  
Attorneys for Applicants

By



Thomas F. Presson  
Reg. No. 41,442  
(212) 588-0800